

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

KENT WADE KIMBERLING,

Defendant.

Case No. 2:20-CR-0006-WFN-1
CRIMINAL MINUTES

DATE: JULY 6, 2021**LOCATION: SPOKANE****SENTENCING HEARING**

Hon. Wm. Fremming Nielsen

Joanna L. Knutson

Courtroom Deputy

Heather Foe

Law Clerk

Crystal L. Hicks

Court Reporter

Patrick J. Cashman

Government Counsel

Molly M. Winston

Defense Counsel

United States Probation Officer: Cassandra M. Lerch for Jennifer Frieling

☒ **CLOSED Court**☐ **Chambers**☐ **Telecon**

Defendant present in custody of United States Marshal with appointed counsel. The Court inquired of Government counsel regarding the Government's objection. Mr. Cashman advised that he withdraws the Objection for the reasons stated on the record. The Court confirmed with defense counsel that she had no objection to the PSR and GRANTED defense counsel's oral motion to seal the record, with no objection from Mr. Cashman. The Court also confirmed with defense counsel that the Defendant had the opportunity to review the PSR and further queried Defendant as to whether he had any objections; Defendant indicated he did not. The Court accepted the Presentence Investigation Report.

Counsel addressed the Court with their respective recommendations for resolution of the matter. Defendant addressed the Court. The Court determined the applicable Guideline range and reviewed the 3553 factors.

Imprisonment: 24 Months with credit for any federal time served on this matter

Supervised Release: 3 Years with standard conditions **plus special conditions:**

- Reside at the RRC for up to 180 days
- Mental health evaluation and treatment/counseling, if recommended
- Search of person, vehicle and residence
- Substance abuse evaluation and treatment/counseling, if recommended
- Abstain from controlled substances, including marijuana; Probation Officer is authorized to order up to 6 UAs
- Do not enter any establishment whose primary item of sale is alcohol; abstain from alcohol; Probation Officer authorized to order up to 6 UAs and/or BAs
- Cooperate in the collection of DNA as directed by Probation Officer

Fine: Waived

Special Assessment: \$100 – Inmate Financial Responsibility Program

Appeal rights waived by Plea Agreement including Defendant's right to file a post-conviction 2255 motion except one based upon ineffective assistance of counsel.

CONVENED: 9:01 A.M.**ADJOURNED: 9:34 A.M.****TIME: 0:33 HR.****CALENDARED [N/A]**